

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

MONDO VALDEZ,

Plaintiff,

v.

WASHINGTON STATE
PENITENTIARY, WASHINGTON
CORRECTION CENTER, STAFFORD
CREEK CORRECTION CENTER,
MONROE CORRECTIONAL
COMPLEX, and DEPARTMENT OF
CORRECTIONS,

Defendants.

NO. C10-5407 BHS/KLS

ORDER DENYING MOTION FOR
RECONSIDERATION

Before the court is Plaintiff's motion for reconsideration of the court's Order denying Plaintiff's motion for the appointment of counsel. Dkt. 12. Having carefully reviewed the motion, and balance of the record, the court finds that the motion should be denied.

DISCUSSION

Motions for reconsideration are disfavored and will ordinarily be denied in the "absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to the court's attention earlier with reasonable diligence." Local Rule CR 7(h)(1).

Pursuant to CR 7(h)(2), a motion for reconsideration shall be filed within ten judicial days following the order to which it relates. The Order denying Plaintiff's motion for the

1 appointment of counsel was entered on September 9, 2010. Dkt. 12. Plaintiff's motion for
 2 reconsideration was filed on September 28, 2010¹. Dkt. 14. Therefore, his motion for
 3 reconsideration is not timely and may be denied on that basis alone. In addition, Plaintiff has
 4 identified no error in the Court's Order, nor presented any new facts or legal authority that
 5 suggest reconsideration is appropriate.
 6

7 Plaintiff complains that he has been asked by the court to file an amended petition but
 8 he does not know what the court "want[s] him to do to correct it." Dkt. 14. The court advised
 9 Plaintiff of the deficiencies in his complaint and granted him leave to file an amended
 10 complaint. Dkt. 10. If individuals have violated Plaintiff's rights by assaulting him or taking
 11 his personal and legal property, then Plaintiff should be able to set forth in an amended
 12 complaint in plain language, the names of the individuals who hurt him, how they hurt him and
 13 when they hurt him. The appointment of counsel is not necessary for Plaintiff to set out a plain
 14 and short statement of his claims.
 15

16 Accordingly, it is **ORDERED**:

17 (1) Plaintiff's motion for reconsideration (Dkt. 14) is **DENIED**.

18 (2) The Clerk is directed to send copies of this Order to Plaintiff and counsel for
 19 Defendants.
 20

21 DATED this 6th day of October, 2010.

22
 23 
 24 Karen L. Strombom
 United States Magistrate Judge

25 ¹ Plaintiff's letter is not dated, but was date-stamped by the Clerk as received on September 28, 2010.
 26 Dkt. 14.